

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.354 OF 1997

1. Imtiyaz Ilahibux Kalyani & ors ..Petitioners
versus

State of Maharashtra & ors .. Respondents

Mr.R.G.Panchal i.b Mr.S.G.Kudle for Petitioners.

Ms.S.S.Bhende, Assistant Government Pleader for
Respondents.

**CORAM : S.B.MHASE AND
D.G.KARNIK, JJ**

DATED : 12th January, 2006

P.C.

1. Heard learned counsel for the parties.

2. Grievance of the petitioners in the petition is that a notice of demolition of his structure has been issued to them without measuring the distance of the structure from the center of the road and in a discriminatory manner. Learned counsel for the petitioners submitted before us that a notice has been issued only to the petitioners and other persons who have erected similar structures on either side of the road have

not been issued notices. We therefore, directed the respondents to file an affidavit on this aspect. Accordingly, the respondents have filed an affidavit sworn in by Mr.S.I.Mulla, Sub-Divisional Engineer, National Highways Sub-Division No.21, on 12th January, 2006. In the said affidavit, it is stated that the Deputy Engineer, National Highway Sub Division No.21, Solapur will draw center line of National Highway No.9 for finalising road boundaries and thereafter the respondent no.1 will take action against all the encroachers who have carried illegal and unauthorised structures on both the sides of National Highway No.9.

3. Learned counsel for the petitioner is satisfied with the affidavit. In view of the affidavit, no further orders are pressed for.

4. In the circumstances, the affidavit is taken on record and the petition is disposed of.

(D.G. KARNIK, J)

(S.B.MHASE, J)